Previous references.

File No.

1904

RJ 141 of 92-93

(Sep. Rev—)

Later references.

S. R 15-2 — 11
88 1 — 5.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

PART B FOR September, 04

SUBJECT.

Claim of the Inamdar of Sivangere village to toddy revenue.

FILE No. R. 141 of 1892-93

Claim of the Inamdar of Sivanger village, to the Toddy Excise Revenue of the

1 From the Excise Commissioner in Mysore, 2063—95, dated the 3rd September 1905.
Submits the records of enquiry relating tothe inamdar's claim to the toddy revenue of Sivangere village, Maddagiri Taluk.

2 To the Excise Commissioner, No. 756, dated 19th May 1904.
Enquires whether he is in favour of showing the jodidar any concession towards the claim in question.

3 From the Excise Commissioner, No. 1336—33, dated the 16th August 1904.
Suggests that the decision of the Inam Department may be adhered to.

4 To the Excise Commissioner and Comptroller, No. 1518-9, dated 10th September 1904.
Holds that the inamdar of the Sivangere village is entitled to the full amount of toddy revenue up to October 1893 and to only half the amount for 10 years thereafter.

G. R. S

No 999

Q

Memo

Petition No 159 of 18th August 1876 from Krishnadeva, Jodidar of Swamiapeta village in the Madduleru taluk.

In February 1873. the Jodidar of the Swamiapeta village was told by the Shekdar of the Rantavalahi Hobli of the Madduleru taluk that his enjoyment of the toddy revenues derived from his Jodi village of Swamiapeta was groundless inasmuch as the Sanad held by him contained no authority for him doing so and that he should not interfere with the Government Contractor making toddy collections in his village.

vide para 29 of Appendix to Krishnadeva's petition

2 Thereupon the Jodhpur requested the Imam Sahib to reverse the above orders which, contrary to usage and terms of his Tawaad, prohibited the Jodhpur from making collections and enjoying the todd revenue. The Imam Sahib endorsed to the effect that the Jodhpur should represent his case before the Jodhpur authorities

3 The Commissioner of the Vaudreuil Division to whom the matter was represented by the Jodhpur replied that as the Chief Commrs Office docket No 4632/103 of 19 Dec/71 made it unfortunate that

de para 3 of Appx.

do 31 do

do 33 do

* Matter is not [illegible] by the Resident

no mandar, to have Seeman did not clearly decide to him the right of taking the date trees standing on his own land, should be granted that privilege, the petitioners' prayer for the grant of a concession which the Samaad did not provide, could not be complied with.

4. Against the above order, the Joardars appealed to the Chief Commissioner, alleging that the village was granted to them on Sannamanyam tenure about 370 years back & that the toddy revenue which was in their enjoyment ever since

— para 36 —
Petn dated 22 Dec/73

was unjustly usurped and illegally added to the Govt. Contractor. The grounds cited by the Jordans were as follows —

I. That the copper plate Sasanum: clearly stated that "with flower and fruit trees", eight different kinds of benefits of the Village were to be enjoyed: that as the date trees in question were not specially reserved by Government the fair presumption was that they were included in the term "flower & fruit trees."

II. That in 1799, 1800 and 1805, when Purnaiah fixed Jodi on the village

the toddy contractors of the Taluks of Maddagiri and Madagasa were ordered by their respective Amildars to allow the peremue of the date trees standing in the village, to be enjoyed as usual by the Poligars.

III. That from the references 14 & 28 I marked in the printed petn, it was clear that the toddy collections of the Villages were enjoyed by the inamdars without any interference whatever

IV. That the late Commr Sir Mark Cubbon specially ordered the then Supt of Chitaldroog to examine under what authority

the Maundars were in the
Enjoyment of Toddy revenues
The Inam Subst during
the Settlement of the Village
admitted that the Jodidar
Enjoyed the said revenue

V. That Section 3
of the Inam Rules clearly
declared that 50 years
Enjoyment of an Inam,
became ont by the accounts
of 1800 and 1810, whether
according to the Sannad
or otherwise, should
be upheld.

5th On the foregoing grounds,
the Jodidar Solicited
that the Chief Commissioner
would not only allow him
to Enjoy the Toddy Collections

but also to recover the arrears due to him out of the amount of Contract.

6 The foregoing petition was forwarded to the Commr of Chandragiry for report. (1st) as to the Petitioner's right to the toddy and (2ndly) whether the Contractors had been ordered not to pay him

7 In reply, the Commr reported that the Petrs right to the toddy was ordered to be rescinded on the ground that the Concession was not specially authorized by the terms of the Sanad according to the

No 81 of 2d July 1874

Have called for the bills but it has not yet been received -

Chief Commissioners ruling
contained in docket No 4631/102
of 19th December 1871. It
would appear that the Com.rs
requested the Inam
Supt to state whether
or not the Petrs' rights
to the toddy had been
conceded to them by the
Inam Supt and that
the latter officer invited
attention to this Office
Order No 3697/30 of 8th Oct/73 Inam, Ft Joint Wb.
in which it was directed
that holders of the whole
inam village were at
liberty to lease out
the toddy trees to the
Government Contractor
or otherwise them in any way

except by vending liquor without a license, and added that the Peters case was governed by that ruling. The Commr further stated that no orders had been issued to the contractors to withhold payment but that the Dy Commissioner had been directed to bring the date trees growing in those villages within the scope of the Government Contract as in Col. Pearse's opinion "fruit and flower trees" did not include toddy trees and that the Memorandum had therefore superfluously appropriated a source of revenue to which

he well knew he was not entitled.

8. This letter was ordered to be filed by Mr Walkeley.

9. The Petitioner submitted a reminder and solicited the Chief Comrs Order on his former petition. The Petitioner was informed in reply that date trees could not be included under the General head of "fruit and flower trees"; that no exception could be made in the Petrs favour, and that the phraseology of a Statute dating more than 350 years back could not be considered as a valid title to a claim such as that of Petitioners.

vide para 44 of printed petition

Endorsement No 1498 of 5 Oct 1874

No 153-9 dy 18 Augt 76

10. The Jodidar subsequently presented his printed petition now under consideration, praying for a reconsideration of the above order, and added (") that the late Bangalore Dn Punchbah Deptt had taken up the village on contract from date trees the Petitioner's ancestors, which, in itself, was a sufficient proof that the Government acknowledged the Jodi mandar as the sole proprietor of the toddy revenue of the village; 12, that in settled talukRs, an occupant of poot land has a full right to the date trees standing on her own land and

to the toddy revenue thereof.
Petitioner further stated
that according to the rules
in force, he had given to
the last toddy contractor,
the date trees of his village
on Contract, but the
Contractor failed to clear
the arrears due to Petitioner
and prayed that the Contractor
may be directed to pay up
the arrears and to take up
the contract of the
date trees on behalf of
the Petitioner, or that
the latter should be
granted a license to
tap and sell toddy
and be permitted to sue
the Contractor for damages.

11. The reporter and Statements

relating to the Swamy[illegible] village
Docket No. 183 of 6th Oct/76 from the Inam Dept
to Inam Suptdt
Dr. No 74 of 14 Oct/76 were called for, and inspected,
from do in which, however, there was
nothing to show that the right
of enjoying the date trees
was reserved to the mandar
The Inam Supdt was thereupon
C.C. Pro No $\frac{8339}{248}$ of 16 Nov/76. requested to forward the
correspondence and other
papers connected with the
† No 766 of 26 Feby/74 case of his Endorsement
No 231 of 20 July/76 noted in the margin, and
(Vide paras 38 & 63 to report on what grounds
of App. to printed Pet[n]) the Jodidar was allowed
the exclusive right of
enjoying the produce of
the date trees when
the Abkari right was
reserved to Government.

No. 93 of 13 Dec/76 12. I am to be reported
that the claim to the
toddy revenue was disposed
of under para 5 of

Chief Commissioners' Proc.
No. 3697/30 of 8 October 1873
by which the holders are
declared to be at perfect
liberty to leave the Indy
trees out to the Govt. Contractor
or utilize them in any
way except by vending
liquor without a license
from Govt.; and remarked
that as, under the present
Contracts, no license to vend
can be given to the holders
of mere villages, the latter
are at the mercy of the
Contractors as to the terms
on which they can leave
their trees. Major Cole
also submitted correspondence
which had taken place
between himself and
the Dy Commr. of Tanjore

in which he said states that the right to Abkaris was not allowed to the villages in question.

13. Thereupon the Inam Supdt was requested to state clearly whether the claim of the Jogdars to enjoy the produce of the date trees was disposed of under the provisions of para 2 or 3 of Chief Comrs Pro. No 3697/30 of 8 Oct 1873.

Docket No 10003/286 of 6 Jany 1877

14. In reply, Major Cole states that if para 5 of the Proceedings above referred to, be read with the closing portion of para 4, in which it is directed that the management of the collection of the Sayer

No. 102 of 23d Jany 1877

and Abkari revenue should
be assumed by the District
Officers, the absence of any
allusion to a Sanad or
other authority in Para 5
would lead to the supposition
that the management of
the collection of the toddy
revenue was to be drawn
from all Inam villages,
no compensation being
allowable for reasons
therein assigned. Under
this view no compensation
was allowed even to those
whose Sanads conveyed
to them the right to the
Abkari revenue, and
the holders of all whole
villages were simply
referred to the provisions
of Para 5. The same
view was held by
Colonel Puckle as will be seen

from the correspondence appended to the Inam Superintendent's letter. On the other hand, from the query contained in the Secretary's Docket No. 10003/286 dated 6th January 1876, it appears to Major Cole, that para 5 is read with the opening clause of para 2, in which the existence of Sanads is expressly stipulated for. Major Cole further observes that the Ryots now enjoy the same liberty to utilize their toddy trees under the Survey Guarantee as that alluded to in para 5 of the Proceedings; and that, therefore, his view of the case would appear to be correct.

15. In regard to the question, whether, under the terms of the Original Sanad, the Jodidar is entitled to claim the privilege of collecting the toddy revenue, I beg to state that the term "fruit and flower

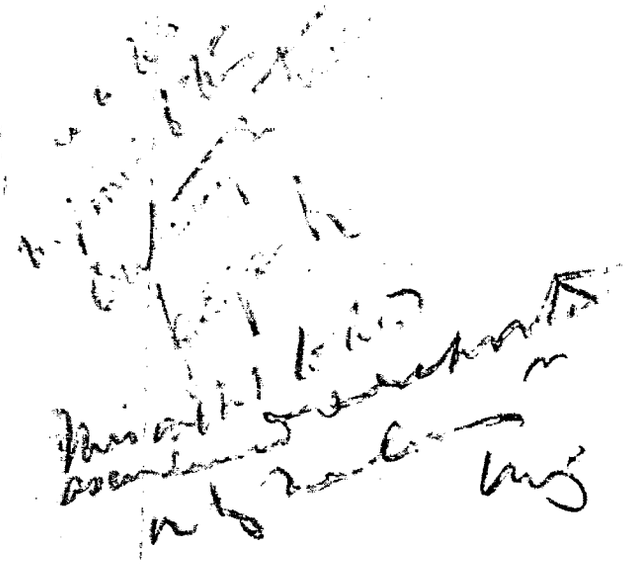
The case of Govt. lands is distinct from Inam lands. The Abkari right and other rights are merged in the assessment paid by a ryot to Govt. An inamdar, on the contrary, can claim only those rights which are expressly granted to him in his Sanad.

Duftar Note

flower trees" used in the Sannad, which is more than 350 years old, is no doubt vague, and cannot be considered as conclu=sively establishing a right to the privilege now claim=ed. I may here remark that as the Original San=nad under which the Village was granted on Sarvamanyem tenure has been rendered inoperative by the Village having been subsequently subjected to Jodi by Dewan Purniah, the Jodidar cannot, I think, fall back upon the Original Sannad as supporting his present claim.

There is Diwan Purniah order to the Amildar & to the Ryots.

16. It may be assumed that the inamdar was making annual collec=tions under the head of toddy ever since he obtained possession of the Village. The Inam Superintendent granted the date trees to the inamdar, but reserved the Abkari right to Govt., evidently considering the toddy



The toddy revenue is, however, generally included under Abkari. Now the question for determination is, whether, under the provisions of Chief Commissioner's order No. 3697/30 dated 8th October 1873, the Jodidars' claim is admissible, and if so, to what extent. Para 2 of the Order provides that in the case of Jodidars who are expressly authorized in their Sanads, to levy Sayer and Abkari, the payment of the revenue, minus cost of collection, should be continued. In para 3 it is laid down that if a Jodidar collects revenue unauthorizedly, it should be resumed except in the following cases:-

(a). Where a Jodidar notwithstanding the absence of authority, has enjoyed the collections since 1846.

(b) Where the dues have been enjoyed for upwards of 30 years.

17. In case (a) the payment is to be continued only for a limited period, which should ordinarily be the life of the present recipient.

18. In case (b) one half of the payments might be continued to the second life also.

19. The case of the Jodi= =dar of Sivanasere is, I think, one falling under (b), he having been in en= =joyment of the toddy revenue for more than 30 years.

20. Para 5 refers merely to those cases in which the privilege of vending toddy from trees situated in private Villages has been resumed by Govt= In such cases the holders are at perfect liberty to lease them out to the Government Contractor or utilize them in any way except by vending liquor without a license from Government. Para 5 should, I think, be read together with paras 2 & 3, and

and not as a distinct
provision unconnected
with cases (a) and (b).

Rob Thumbwood

1/3/77

The Court may direct
disposal of the Petitioner's
Claim in accordance with
clause (b) of Para 8 of the
Order of Oct 1973

1/3/3

M/Hurrell

Lms

14/3/77 8-3-77

2843

Memo.

In this office docket No 4615/67 of the 9th June 1892 the Dy Commissioner of the Tumkur District was informed that the reports submitted by him regarding the title of the Inamdars of Sivangere village in the Maddagiri Taluk to Todd Revenue were not satisfactory or conclusive and he was called upon to re-investigate the question and report the result with proceedings for orders under recent instructions contained in Regd no 1019-29/Cir 4 of the 12th April 1892.

2. The Dy Commr, Tumkur District, reports the result of his enquiry into the matter in his letter no 139 of the 11th July 1892 as follows:-

Copy marked A is submitted

(1) Neither the Sanad whereby the village was originally granted upwards of 300 years ago as Sarvamanya

nor the Sannad† whereby the Sarvamanyam tenure was altered into Jodi tenure by Dewan Purnaiya, confers any title on the Inamdar to the Abkari revenue.

(2) In 1877 a question arose about the claim of these Joddars to the Abkari revenue of this village when the then Chief Commissioner in order No 12917 - Rev 263 of the 20th March 1877 remarked that the term "fruit and flower trees" used in the first Sannad could not be construed as conclusively establishing the Toddy right claimed and added that as that Sannad had been superseded by the second Sannad, it was inoperative.

(3) As regards the actual enjoyment of the item by the Inamdars: They are in possession of several documents* which go to shew that the Toddy revenue of the village

† Copy marked B is put up.

* English translations of these and other papers referred to above are given in the printed memorandum herewith put up.

has all along been in their enjoyment.

3. The Dy Commr is of opinion that long enjoyment of this revenue by the Inamdars can be fairly presumed to have been proved and that the orders of Govt conveyed in para 3 of Brop no 3697 Rev 30 of the 8th October 1873 that in cases of long enjoyment the Abkari revenue may be continued in full for 20 years and half for ten years more in cases where the villages have been alienated to a community, are applicable to this village as it has been alienated to a number of persons. The whole of the abkari revenue may under these circumstances be given to the Jadivars till 8th October 1893 on which date the first period of 20 years from 8th October 1873 will expire, and half for ten years thereafter.

4. Upto the end of march 1892 the Inamdars ~~[illegible]~~ ~~to~~ get 20 Rupees per month from the late Contractor, with the exception of the instalments for two years which they expect to get before long.

5. At the recent sales of Toddy farms for 1892-93, only the Shop was sold for Rs 6 1/2 per month - there being no bids for the date trees, they were not sold. The farmer of the Shop draws his Toddy from Govt. trees. Under these circumstances, the Dy. Comr. is of opinion that Nothing can be given to the Inamdars. They can only levy Mohatarfa Shop tax from the Shop-keeper. If they get anybody to take up the Toddy trees, then the amount realized thereby may be disposed of as stated in para 3 of this memo.

Submitted.

24/8/92

Orders for the orders of the

off J Dewan

2 From the printed
Memos^m^ annexed to
the D/s letter (especially
paras 22 & others like
it which follow) it is clear
that the Toddy Revenue
which the Inamdar has
enjoyed in the past has
been not only rent for
his Toddy trees but also
Excise in part for the
privilege of selling toddy
in a shop within Inam
limits - The Inamdar
seems thus "entitled to
the Toddy Revenue of the
Village" for entirely for
20 years from 1873 and
half thereof for 10 years
thereafter - So far
the first 7 paragraphs
of the D/s seem all
right & entitled to Govt
Approval -

Para 8 seems Hypo-
cal - The Inamdar

having enjoyed the
Excise during Kabiyans
for that reason (as
above explained) being
entitled to Toddy Revenue
fully till 1893 & to the
Extent of half till 1903
It seems true that the
sale proceeds of the shop
@ 6½ Rs per month till
31 March 93 are due to
the Inamdar - it may
such portion of it as may
be actually collected
by Govt. - (It may be
that for some reason or other
part may be remitted as
irrecoverable & the whole
of the 6½ is not collected)

93

11/9/11

P.T.O

Part of this
how would
how there effect

9/11/11

The shop at ... drew
his toddy from ...
Sat here as ...
was ... Collector ...
In the ... in ...
Inam ... but on
the ... is ...
from ... Toddy
from ... Then

(Office note Contd)

6 The Deputy Comr, Tumkur Distt was requested to report what amount was actually recovered from the farmer of the shop in the Jodi Village for the year ending 31st March 93.

7. The Deputy Comr now reports that the amount actually collected was Rs 82-14-0, & nothing remains yet to be collected.

Submitted for orders

29/4 29/11/93

Sd/- K.K. 20/12

Sd/- Comrs

31/5 Bangalore

he is entitled to commutation. I think it is the practice when the amount paid by the Malguzar for the year

Sd/- 4/6/94

Read this letter (illegible)

Sd/- 4/6

Submitted to the Hon. Comr

Sd/- J 5/6

Read at Mysore 9/6.

Sd/-

1 Jt Comr Bangalore

2 Hon Comr Mysore

Note

by the Special Asst Comr
in re Sivaugere Incumbers
Claim for Toddy Revs:

Refe... Tinnevelly Dy Comrs No 46 of Dy
29th April 94

Paras 2 & 5 of Dy Comrs letter:-
As we know the "Consumption"
we can fix a "Royalty" as
previously suggested by me
in my note now before Govt
Para 3. The Dy Comr forgets
that Govt officers (Asst
Comr Amildar &c) are
employed for the annual
Sales for the whole Distt &
each Taluk & each Grove &
Shop. The Cost must be
proportionately struck thereon
for the Inam Shops & Groves also
The regular Taluk & Distt
Staff is an independent item

to be separately taken into account.

Para 3(a) Govt intend this being done by the Village Officers

Para 4: That is just it. The Grove & shop are both in the holding & if prima facia grounds exist that Toddy Revs is due, they may be sold together as one farm as we do in Govt Farms (Shop & Grove combined)

I beg to submit the foregoing "note" as other cases are now before Govt for general orders. This is a special case which has been before the Councillors & Govt for some time back.

S. A-J.

11/12/94

Sd/ [illegible]

12/12/94

Rev 31A 37/87

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

Excise

OFFICE NOTE.

SUBJECT. Inam Shop & Grove of the Swamigere Village, Maddagiri Taluk, Tumkur Dist. Claim of Inamdar to Poddy Rev.

LAST REFERENCE. Letter, No. 5444 dated 18th June 95. from the Excise Comr. in Mysore.

Grounds of claim:— The Claim is based on Sanads 2 a Semiad both of which are silent as to the right of Poddy Rev. Other documents go to show enjoyment of right

2. The Inam Settlement gives full Rev for 20 years from 8th Oct 93 to 8th Oct 93 and half thereof for 2nd life of the Inamdar.

3. The Amount paid upto 92-93 was Rs 20/- Yearly & half that sum is due after 8th Oct 93 as per Inam Settlement

4. Govt took up the work

with the result that the shop alone realized Rs 117-2-0 on an average yearly. The Groves number 5000 trees and there were no bidders therefore.

5 The Dy Conr reports that the Consumption at the shop was $187 + 243 = \frac{420}{2} = 210$ gadas on an average yearly.

6 The Dy Conr also reports that 300 to 350 $= \frac{650}{2} = 325$ trees yearly were utilized from a Govt Grove for the toddy utilized for the Sivaganga shop and that the average rent, per tree, realized by private parties from Govt farmers, is 6 firs per tree per annum. This would give $\frac{325}{2}$ or 162 annas — 6 firs = 10-2-6 Rs on average per annum. The Excise Conr suggests 2 annas per tree or four times the latter amount viz Rs 40-10-0 per annum on an average but the Excise Conr gives no grounds for enhancing the rate over that which locally prevails.

×	Groves	Shops	Total
1892-93	"	82-14-0	234-4-0
'93-94	"	151-6-0	

2 | 234-4
Average 117-2

7 The matter would have been easily disposed of, had the Govt Grove, or the trees yielding

for this shop therefor been
sold separately and not
Combined with the shop.

8 The number of trees
utilized by the shop taken
at 325 yearly, this would
give on average at 2½ lars
of Toddy for 42 days (see my
printed note part c para 6)
= 1421/2 Gaddas or 710½ Gadas
yearly on an average. It
is evident therefore that the
average of
210 Gadas is exceptionally
low.

9 The average amount
realized is Rs 117-2- yearly
Taking selling price of toddy
at 8 pies, this would give 118
Gadas as the average
quantity needed to pay
the sale Amount above.

10. It is manifest the farmer
sold more than 210 Gadas
yearly and that it ranges
from that to 710½, if it is
not actually the latter figure
Taking the average of the two figures this would
give 460 Gadas yearly. The
cost & profit of tapping as far as I can find out

Tamkur Distt. ate one anna
a Gadda. The farmer thus
realized on 4 bo Gadas
Rs 472-8-

He paid for today
28-12-0
Carriage Say at 1/2 anna per Gadda } 14-6-0
average sale amt 117-2-0 150-4-0
Rs 150-4-0

Net profit yearly 322-4-0

11. It is evident therefore that Govt is entitled to a fair share for the rent of its Grove of Date trees considering that (1) that the shop would have remained "bunjar" had it not that Grove to fall back on (2) that the farmer made such a very handsome profit from the Govt Grove.

12. Taking the trees at 325 on an average yearly, I therefore consider Govt is entitled to at least 1 anna per Gadda on 7.10 1/2 Gadas on average or Rs 44-6-6. This would be 38 per Cent on the Amount the shop was sold for on an average yearly Viz Rs 117-2-0
The Chief Secy I think suggested in his paper 50 P.C. but it is not known on what lines that rate was struck.

The account will stand against the Inamdar as follows:—

The Amount the Shop was sold for 92-93	Rs	82-14-0
Do — for 93-94		151-6-0
Total		234-4-0
Deduct 38 P.C. as Govt. Rent for the Grove.		89-11-3
Cost of Collection, Supervision & Sale of Shops (including Dy. Comrs. & Amildars pay for one day all round) for the Whole Province for 3 years on the Rs for which the Shops were sold yearly on an average 4 P.C. on Rs 43067 on Rs 234-4-0	9-5-11	112-2-5
Govt Local Cess	13-12-3	
	112-2-5	
Rent to be paid to Inamdar for the Shop		122-1-7

13. It will thus be seen that by the foregoing equitable Settlement Govt and the Inamdar fairly divide the proceeds of the yield of the Inam Shop. He has nothing to complain of, as the Amount is several fold

that received in previous
years Viz Rs 20/-

14. The Dry Cows must pay
for the above Settlement the
full amount upto 8th Oct 93
at the above rate and half
ony the new rates thereafter for the
Remaining Period of the term
more
years as per Inam Cowle's
Settlement.

2/7/93

J. G. Wood Prince
S. I. P.

Claim to the toddy revenue of Sivangere village

The village was originally granted to the Inamdar in 1504 as Sarvamanyam. In the sanad alienating the village no mention of toddy is made. But it states that all the fruit and flower trees have been conceded. Subsequently in 1800 the Sarvamanyam tenure was converted into Jodi by Dewan Purnaiya. Here too no express mention is made of toddy revenue. But it is proved that the Inamdars enjoyed toddy revenue till 1873. The following among other papers show and

that the Inamdars had
long enjoyment of todz
Revenue.
(1) An order of march
1800 from Subedar Bore
gowda to Cadejar Nara-
simha directing him
~~to~~ not to interfere
with the Cachel pyros
of the village.
(2) An order of 1805-06 from
Subedar Thimmanaiah
to Sendi Mangaro,
prohibiting them from
interfering with the todz
Revenue of the village
on the ground that it
belongs to the Inamdar.
(3) In the Kuttwali
patti of 1825-26 in
which 9 pagodas and
11 fanams are shown
as Revenue derived

from the Sendi Khane
enjoyed by the Inamdars.

Some Muthalikas
from Todzy contractors
agreeing to pay to the
Inamdar the income
from the Todzy shop
and jaggory oven.

But in 1873 the
Inamdar was not
allowed to interfere
with the Government
Contractor making
Todzy collection in
the village. So he
appealed to the Chief
Commr on 22/12/1873,
stating that he had
enjoyed the Excise
revenue ever since
the Inam was granted

In reply he was informed that date trees could not be included in the General head of "fruit & flower trees" mentioned in the Sanad; and so he had no valid title to the Excise revenue.

Thereupon on 18/8/76 Mr Jordan presented a printed petition for a reconsideration of the order. On a full consideration of the points mentioned in the petition a G.O. no. 12917 Rev 163 & 20/3/77 was passed in which it is stated that the terms "fruit and flower trees" mentioned in

refused to take the lease, the Inamdar applied to Govt for some compensation ~~xxxxxxxxxx~~ or, if that was not granted, he requested the Govt to compel the contractor to take the lease, as he was not authorised to sell ~~the same~~ toddy to any other than the Govt-Contractor. In reply it is said in G.O. no 1038-40/4 & 8/5/~~89~~1889 that there was no proof of the Jodidar's ~~xxxxxxxxx~~ right to abkari revenue properly so called and the Inam, ~~xxxx~~ Settlt terms, to have given the date trees to the Jodidar in the same way as

the ~~date~~ right to
date trees is conceded
to occupants, but
reserved to Govt
the excise revenue.

Again on 13/6/1892
the Dy Commr, Trunkn
Dt, was requested to
investigate the claim
to the toddy revenue
under instructions
contained in G.O. no
1019-29 * of 12/4/1892. After
4
referring to the details
given in the 2 G.O's
mentioned above, he
says that Abkari
revenue may be paid
in full to the Jordars
till 8th Oct 1893 and
half for 10 years
thereafter.

1892.

* not found in the file.

Against this order the
Jodidar appealed to ✓
Govt on 15/7/1892.

Then again the
Dy and Excise Commrs
were asked to submit
a report regarding
the income of the shop
in the Enam village,
the amount of royalty
they would propose
to levy on Govt toddy
consumed in the shop,
and the amount due
to the Inamdar. The
reports were received
and after some corre-
spondence no final
orders were passed in
the matter.

In the enquiry
held by the Dy Commr
in July 1894, starting | 1894

the Sanad cannot be construed as conclusively establishing a right to the Excise Revenue, and that as the Inam was subjected to a Jodi by Dewan Purnaiya, the original Sanad was rendered inoperative. As long and continued, but unauthorised, enjoyment has been proved, the Excise Revenue will be continued to the Inamdar during his life and half of it during the second life

Mem on 26/3/1863

as the Govt Contractor

refused to take the
lease, the Inamdar
applied to Govt for
some compensation
~~accordingly~~ or, if
that was not granted,
he requested the Govt
to compel the contractor
to take the lease, as he
was not authorised to
sell ~~the~~ toddy ~~sale~~ to any
other than the Govt-
Contractor. In reply
it is said in G.L. no
1038-40/14 d 8/5/~~89~~1889 that
there was no proof of
the Jodidar's ~~assignment~~
right to abkari Revenue
property so called and
the Inam ~~Settlt~~ Settlt seems ~~to~~ to have
given the date trees
to the Jodidar in
the same way as

starting with the same results viz the absence of legal title — the Samands not expressly mentioning the revenue coupled with long and continued enjoyment, he recommended to continue the Abkari revenue in full for 20 years (i.e till 1893) and at half the amount for 10 years more.

It may here be mentioned that in all the reports and petitions no additional facts have been brought to light beyond those that were before the Chief Commr. in 1877.

Mr Paramasiva Iyer
in his investigation held
in March 1902 recognised
the claim relying on
the documents mentioned
in the 18th para of this
note. But the keeriz
patti referred to by
him does not for the
year 1800 but for 1825,
and so it cannot
be assumed that it
was taken into account
when the jodi was fixed
in 1800. On the memo
submitted by the Mr Parama-
siva Iyer the Dy Comm
says, the Inam settle-
ment being conclusive,
we need not go behind the
Inam Comm's decision.

The Excise Commrs agreeing with the views expressed by the Lds Commrs in 1894 and 1902 recommend the payment of the full amount of todds revenue for 20 years (i.e. up to 1893) and half for the next 10 years (i.e. up to 1903).

1904

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject. E. Comrs letter no 2063/95, of 21/10/95. Remitting claim to the toddy revenue of the Jodi Simulone village, Maddagiri Taluk.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Note. The village has a date grove as well as a toddy shop. The village continued as Sarvamanya till 1799-1800 when it was converted into a Jodi village by Purnaiya. Neither of the two Sanads "toddy" is conceded in explicit terms. ~~He does not claim any proprietary right to the toddy.~~

(2) There is an order (original) of 1805-6 from Sheshadri Ramanna to the Shanbogue Maddagiri, prohibiting them from interfering with the

Coddy preceded the Sivagore village on the ground that it belongs to the Inamdars.

(3) In the "Hattuvali patti" which is said to be a copy of [illegible] for 1825-26. as stated in the Y. Court when under disposal, 9 pagodas & 11 fanams are shown as the revenue from Shendi Khane.

(4) There is in the file an order of 1799-800 from Suleiman Rowe Saheba to Veerajee Narasimha, directing not to interfere with the Ryotwar Ryots of Sivagore.

(5) The Inamdars have long & continued enjoyment.

(6) The Inam Settlement did not prescribe the claim title to the Veerajeenum from Coddy in other words Mokasa. On an appeal & subsequent Correspondence the late Chief Comm in his Order No 12917 - Rev. 363. of 20/3/77

framed the following order:-
3(a) Where a jodidar notwithstanding the absence of authority has enjoyed the collections since 1846
(b) Where the dues have been enjoyed for a period of 30 yrs
In case (a) the payt is to be continued only for a limited period, which should ordinarily be the life of the present incumbent & in case (b) one half the payts might be continued to the second life also. & that the case of Sinnaleve falls under (b).

(7) Appeal in these Orders no. 1889 1038-40—14 of 8/5/89. Govt. observed that the Devan Settlement gave the dale trees to the jodidars (in the same way as the right to date trees is conceded to ceelpattas) but reserved the express reference to Govt and that viewed in this light the original settlement was just and proper. But at the same time

enquired the Inam subject what effect was given to the Ch. Comrs order of 20th March 77.

(8) With ref. to the above enquiry the Inam subject proposed that the order has been strictly noted in his registers (No 16 of 23/8/1890).

(9) Mr Venkatanarasiah who enquired into the claim in July 1894 allowed full revenue for 20 yrs & half for the next 10 yrs as per para 3 of G.O. no 3697 - Rev 30 of 8/10/73 & para 5 of G.O. no 1038-40 - Leg 8/5/89.

(10) Mr Parameshwara Ayer in his investigation held in March 902 recognised the claim relying upon the documents referred to in paras 2, 3 & 4 and on the ground that the period of 80 varahas fixed in 1799-1800 was with ref. to the Berij of the village as per Huttuvali patti of that yr which also included "todry" and that

This is evidently wrong as the accounts for 1825-26 & 1850 for 1799-1800 as a claim from W.C. letter no 203 of 4/8/03.

Court directed the preparation of the Case on the official of the Inamdar –

(While recording this finding we seem to have Paramasiva Ayi lost sight of para 60 of C.O. of 20/3/77 but lost sight of C.O. of 8/5/89)

(11) But the Dy. Comm. Krishnamurthy recorded

"I do not think we could go behind the Inam Comr's decision. It was the duty of the Inamdar to have produced the documents & got the Inam Comr's orders altered

(12) The Excise Comm. Concurs with Mr. B. K. Venkatanarayana & allows the claim full pension for 20 yrs from 8th October 1873 & half for 10 yrs from 8/10/93 to 8/10/03.

(13) Para 3 of Rule 18 in C.O. of 1878 directs that when the Inam settlement is conclusively clear, it should be adhered to. & as this case has come up

to
~~before~~ Govt. more than once
before & the Dharm Settlement
is not altered.

50 yrs enjoyt having been
perfected under rule 20 &
decision has to be in accordance
with para 3 of the G.O. of
8/10/73 No 3697-Rev-30, as
recommended by the Revenue
Comr.

A draft is accordingly ruled
for allt or orders.

Sd/-
30/12/03

Please continue the service
as per personal instructions
Sd/- 31/3/04

Ruled

As it is not known what special
instructions were given to Gopala
Krishnaiyar by Mr. Ramaswamy
Iyengar, Asst Secretary, and as the
office note & draft seem to be
complete, the file is again ~~not~~
submitted for orders.

Sd/-
31/3/04. You take 2 months to
make the above short note

Let me have a short precis
of the file in this case, which
appears to have a history from
1876.
Ends

9/4/04

A precis is herewith submitted.

Mr
Mellor.

1/ A draft proc embodying
my view of the case is
put up

2/ The Excise Com^rs apparently
thinks (vide para 2 of his letter) that
the Inamdar is entitled to better
treatment than has been given him
by the Ag Com^r. For the reasons stated
by the draft proc every case falling
under Rule 20 of proc^d 2/8/01 should
~~have~~ either fall under clause (b) of para 3
~~of~~ of Ch Com^rs proc^d 8/10/73 or have

Flag A.

Flag B.

been dealt with accordingly,

as engagement for 30 years
from 1873 is equivalent
to engagement for 50 years
prior to 1892-93

3) I had to keep back the file
for about a fortnight on the
foreshore & other work (Admn Report
& Canal clearing) & the cases
I was also been delayed in the
office by my indecision
for 7 months
there is the lack of precis &
memos prepared from time
to time; but they had been
placed within the file & had
not been written continuously.
I have now extracted them
& put them together. Kindly
the decision in these memos
form on the amount to be
pass to the Inamdar for 1892-93

now
and is irrelevant in view of the
depositions laid down by the
subsequent proc 5 2/8/07

28/4/04

To Secy

Submitted to the Diwan
through the 1st Cr 28/4/04

1228
2-5-04

The facts of the case are very simple - The claim of the Jagirdars rests entirely upon long enjoyment; & the case is therefore one which has to be dealt with under para 20 of the Rules of 2d August 1907. There is however this difficulty viz that the case was disposed of by the late Chief Comr in 1877 in accordance with certain principles which he had laid down in 1873 to give the Jagirdars, ~~only~~ the full ~~half~~ for 20 years & ~~from~~ half revenue for another 10 years as decided by the

Chief Commr, moved mean
that they are to have nothing
at all from 1903/04 & that
they are not to have the
benefit of any concession
under the Provincial
Scheme of 1892 or the final
Scheme of 1901. I am not
sure that this is not
rather hard lines. The
question was reopened &
for both acts in 1884. &
in 1892 the then Dewan
thought that the previous
settlement was not quite
satisfactory and that
a reinvestigation was
desirable. The matter has
since been under correspon-
dence: & the Record
seems to show that a
reconsideration of the case
was intended. Otherwise
all the inquiry would held
was wholly without
an object. The Director
Salt & Opium Office Mr Parsons
was over in favour of
going further than the Chief
Commissioner did, & of

admitting the claim in its entirety. The Dy Comr does not see his way to getting behind the Chief Comrs decision. The Licence Comr while concurring with the Dy Comr submits certain facts for the consideration of Govt thereby reasonably suggesting a special treatment of the case by Govt. But on this point he has given no definite opinion and made no definite recommendation. Before passing final orders the Licence Comr might be asked whether he is in favor of allowing the Indian any & what concession & on what grounds under Para 20 of the Rules of August 07.

C.
2/5/04

Relaxed
17564 8.V.04

2/5/04

18694

My humble recommendation is to adhere to the decision of the Chief Comr. - that I have no objection to the Excise Comr as suggested by the Commissioner

15.V.04

16/5/04

Put up docket
19/5/04

~~docket~~ submitted for approval.

19.5.04

19/5/04

Letter no 1336/33 dt the 16/8/04 from the Excise Commr in respect ~~suggesting~~ resubmitting the records regarding the Inamdars' claim to the todds revenues of Sivaneru village, Madagiri Tk.

The Excise Commr suggests that the decision of the Inam Dept may be adhered to, as any concession in favour of the Inamdars would form an inconvenient precedent.

May the draft order of the 28/4/04 issued to the Sheristadar for orders - submitted to the Deputy Collr Sahib thro the Personal Asst

31.8.1904

30/8/04

27/8

461/31-8-04

1332/2.9.04

G.R.S. 12]

General and Revenue Secretariat.

File No. 141 of 1892 ~~1904~~

Serial No.

This seems to be a hard case but I am unable to say that a reconsideration of the Chief Comrs order of 7.8.93 at this distance of time is ~~not~~ not expedient. The claim may accordingly be rejected as now suggested by the Excise Comr. Draft approved.

1-9-04

Sd
1.9.1904
recd 1/9/04

Government
V. IX 04

To The Excise Commr & Comptr
No 1578-9 dt the 10/9/04.

Holds that the Inamdar of the Sivangere village is entitled to the full amount of toddy revenue ~~real~~ up to October 1893 and to only half the amount for 10 years thereafter

MGCPB—10,000—19-4-04

Ex 12/7

1903 5 SEP 1903

From P. K. Purushotham Esquire B.A.,
Excise Commissioner in Mysore Bangalore

To H. V. Nanjundayya Esquire M.A.L.L.
Secretary to the Government of His Highness the Maharaja of Mysore
General and Revenue Departments
Bangalore

Dated 29th August 1903.

Despatched 3rd September 1903.

Received

General No. 2063

No. 95

Enclosure No. 2 files & copies
1 bill of rents & enquiry.

Subject

Submits with his opinion the records of enquiry relating to the Toddy Renewal of Sirangere Jadi village, Maddagiri taluk

Excise
5.9.03

Noted for
Govt
Thre
3/9/03

Read
7.9.03

No 2963/95

Excise Commissioner's Office

Bangalore 29th August / 3rd September 1903.

From

S. R. Ranganna Esquire B.A.
Excise Commissioner in Mysore
Bangalore

To

H. V. Nanjundaya Esquire M.A. M.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
General and Revenue Departments.
Bangalore.

Sir

In reply to your docket No. 528 / Rev. II-1901, dated 16th April 1903, I have the honor to submit herewith, the records of enquiry relating to the Toddy Revenue of Sirangere Todi village, Maddagiri taluk, together with copies of correspondence as per margin, and to state that I concur in the opinion of Mr. B. G. Krishnayya that we cannot go behind the Inam Commissioner's decision. Toddy or any other word including the item of Toddy, is not mentioned in the Sannads of the village. Against the Inam settlement

1 Docket No 4950/128, dated 23rd February, 1903 to the Deputy Commissioner, Tumkur District.
2 Docket No Rn. 1267, dated 31st March 1903 from ditto.
3 Docket No. 6264/150, dated 18th April 1903 to ditto.
4 Docket No 203, dated 18th August 1903, from ditto
5 Copies of correspondence received from the Superintendent of Inam Settlement.

the godidar appealed to the Chief Commissioner, who, in his Proceedings No. 12 917 / Rev 363, dated 20th March 1877, decided that the godidar's case falls under para 3 of the Chief Commissioner's Proceedings No. 3697 / Rev 30, dated 8th October 1873. This fact has been noted in the original Inam settlement Register of the village. As the village has been granted to a community, the godidars have the right to enjoy, Abkari Revenue fully for twenty years and half for ten years more, in accordance with Mr. B. K. Venkata-varadiengar's finding as laid down in para 3 of the Chief Commissioner's Proceedings No. 3697 / Rev 30, dated 8th October 1873. Calculating from this date, the first period of twenty years expired on 8th October 1893, up to which date the whole of the Excise Revenue from toddy is payable to the godidars, and a half of it up to 8th October 1903, subject to Rules 2, 3, 5, 6 and 9 in Government Proceedings No. 2074-83 / R. 7166-92, dated 2nd August 1901, there being both

Pannayi Varthavar

a

a toddy shop and a date grove in the village.

2. I would however, submit the following facts for the consideration of Government under Rule 20:-

(1) There is an order on the file, dated 12th of Anon's decrease of Vysakha of the year Krodhana, from Amildar (Subedar) — Timmaraviah to the Shendi Manegars, prohibiting them from interfering with the toddy revenue, on the ground that it belongs to the Sivangere village.

(2) There is an account of the Sivangere village for the year Sarvva, — showing the revenue of the village. In this 9 pagodas and 11 Hanams are shown as revenue from Shendi Khane.

(3) Order dated 12th of Anon's decrease of Palguna of the year Siddharti from Subedar

Bore

Bore Gowda, to Eadiyar Narasimma, directing him not to interfere with the date trees (Eachal Pyroo) of Sivangaré.

(4) The documents produced by Jodidars, prove their enjoyment of Toddy renew for more than fifty years.

I have the honor to be
sir
your most obedient servant
M Meeks
Excise Commissioner
in Mysore.

4

From

The Excise Commissioner

in Mysore

To

The Deputy Commissioner

Tumkur District.

Dated 23/24/2/1903.

Letter. No. 4950/128 Enc 5 files

In returning herewith the record of enquiry relating to the toddy revenue of Jodi Sivangere village, Maddagiri Taluk, for further information and resubmission, has the honour to state that the accompanying copy of correspondence received from the Superintendent of Inam settlement, shows that the order passed by the late Chief Commissioner in Proceedings no: 12917/Rev 363, dated 20th March 1877, was final and the same is noted in the Inam settlement Register. Mr. Paramasiva Iyer in his finding states that "Government directed

6

directed the production of the original Beriz Patti and the original of the order of May 1805, issued by the Amildar of Maddgiri to the Abkari Contractor; these were produced and prove beyond doubt that the Inamdars were granted the Toddy revenue, though not in explicit terms embodied in the Sannad. No other final orders except those cited above, have been received in the Inam Superintendent's office from Government. Therefore requests to be informed on what authority the above remarks of Mr. Paramaswa Iyer are based, and what final orders, if any, have been received in the Deputy Commissioner's office from Government. Begs also to be furnished with the assets of the original Beriz of the village for the year in which it was converted from Sarvamanya into jodi by ——

Dewan

Dewan Purnaiya.

(Sd) S. Venkata Runga Iyengar
For Excise Commissioner
in Mysore

From

M. S. Narayana Rao Esq
Deputy Commissioner
Tumkur District

To

~~P. N. Purnaiya Esquire BA~~
Excise Commissioner
in Mysore.

~~Dated~~ 31st March 1903

General No: 1267.

Enclosures 1 Bundle.

With reference to his docket No: 4950/128 dated 24th February 1903, Calling for further information regarding the Toddy revenue of the godi Sivangere village, Maddagiri Taluk, has the honour to state that no final orders have yet been received from the Government on the matter in reply to this office letter No: 469, dated 29th November 1894. No explanation can be

be given as to the authority on which Mr. Paramasiva Iyer based his remarks, as he is not now in the District. The assets of the original Beriz of the village called for in the above are embodied in the records, transmitted herewith.

Evidently mistaken for Bathuru. Sebbandi account not found in the record.

(Sd) M. S. Narayana Rao.
Deputy Commissioner

From
The Excise Commissioner
in Mysore

To
The Deputy Commissioner
Tumkur District.

Dated 18/20 · 4 · 1903

No. 6264/150 Enc 4 files. CJ

The Deputy Commissioner's docket No:

1267/9m, dated 31st March 1903.

In reply has the honour to state that in the records referred to in the above, the assets of the Beriz of — Sivangere jodi village for the year Partiva,

are

are given in the account for that year which is on the file. But as the village was given on jodi tenure in the year Sidharti (1799-1800) under Dewan Purnaya's sannad, it is requested that the assets of 80 Pagodas being the Beriz on which the jodi was fixed in the year 1799-1800, or for the year 1815 in which Fouzdar Linganniah ordered the Amildar to continue the village to Chennbhatt others and to collect from them the jodi amount, Viz 80 Pagodas, may be reported, or the Beriz accounts of the village for the years 1799-1800 and 1815-16 may be submitted early to this office for reference.

10

2. The jodidars as per their statement taken by Mr. B.K. Venkatavaradaiyengar, seem to have produced the account of the year 1800 (Sidharti), but it is not on the file. The account for the year Parliva is on the file. The village

village was then in the Midigesi Taluk.

3. The whole file is herewith returned for reference and resubmission.

(Sd) S. Venkataranga Iyengar
For Excise Commissioner
in Mysore

From

K. Doraswami Iyer Esquire
Deputy Commissioner
Tumkur District.

To — P. N. Purnaiya Esquire BA.
Excise Commissioner
in Mysore

Dated 18th August 1903.

No 203)

Enclosure 4 files.

In retransmitting herewith the enclosures received with his docket no: 6264/150, dated 18th April 1903, has the honour to state that the heriz-

accounts.

accounts referred to by Mr T. Paramasiva Iyer belong to the year Partiva, and not to the year Siddharti as has been noted in the record of enquiry. The jodidar admits this fact in his statement made before the 2nd General Assistant Commissioner on the 8th June 1903, which is herein enclosed. The only document that is forthcoming from the jodidar is a reply given by the Subhedar Boregowda to Idigar Narasimha on Phalguna 12 of Siddharti. The Amildar of Maddagiri also replies that neither documents nor Beriz accounts relating to the jodi village are to be had in his office.

(Sd) K. Doraswamie Iyer
Deputy Commissioner

12

'Copy'
[illegible]
Extra Commissioner
in Mysore

(2) *Office Draft.* (Docket.)

The Mysore Government,
General & Revenue Secretariat,
Revenue Branch.

To The Special Commr. in Mysore.

Date of passing the draft
Date of despatch 19/5/04

Regd. No. 756
File No. & date (if any) 87 11-01

No. of Encls. —

—

With reference to para 2 of his letter No 2063/95 & 29.8/3.9 '03, submitting certain facts regarding the Toddy Revenue of Sivanasamudra Jodi village in the Nanjangud Taluk for the consideration of Govt., has the honour to enquire whether he is in favour of showing the Jodidars any, and what concession on such grounds under para 20 of the Rules published

Published in Notifn

No 2074-83 & 2.8.01.
R.T. 166-92

By Order

Yr Offg Secy.

Mg.
19.5.04

(3)

Diary No: 709
1904

From
P. N. Purnaiya Esquire B.A
Excise Commissioner
in Mysore

To
B. K. Venkatavarada Iyengar Esquire
Secretary to the Government
of His Highness the Maharaja
of Mysore, Bangalore

Dated 16th August 1904
Despatched 17
Received

General No. 1336
No. 33

Enclosure No 1 file

Subject

Suggesting that the decision of the Inam Department may be adhered to, in the settlement of the claim to the Toddy revenue of Sivanagere Jodi village in the Maddagiri Taluk.

Excise Commissioner's Office

No. 1336/33/file Dated, Bangalore 16th August 1904/17

From

P. N. Purnaiya Esquire B. A.
Excise Commissioner
in Mysore

To

B. K. Venkatavarada Iyengar Esquire
Secretary to the Government of
His Highness the Maharaja of
Mysore, Bangalore.

Sir,

I have the honor to acknowledge the receipt of your docket No. 756/Ex. F 11-01 dated 19th May 1904 anent the claim to the Toddy revenue of Sivangéré Jodi village in the Maddagiri Taluk and to submit that the Inam Department has settled the case in accordance with the late Chief Commissioner's order No. 3697/Rev-30 dated 8th October 1873, and granted the Excise Revenue to the Inamdars for a limited period. This period has now expired and the Inamdars'

Inamdars case is a hard one. As any concession in their favor would form an inconvenient precedent, I am compelled to suggest that the decision of the Inam Department may be adhered to.

2 The records accompany

I have the honor to be,

Sir,

Your most Obedient Servant

R. G. Scallon Jr

for Excise Commissioner

Mysore in Mysore

(4)

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

(1) Letter No. 2063—95, dated the 3rd September 1903, from the Excise Commissioner in Mysore, submitting the record of enquiry relating to the Inamdars' claim to the Toddy revenue of the jodi Sivangere village, Maddagiri Taluk, Tumkur District.

In reply to your docket No. 528—Ex. F. 11-1901, dated 16th April 1903, I have the honor to submit herewith, the records of enquiry relating to the Toddy revenue of Sivangere jodi village, Maddagiri Taluk, together with copies of correspondence as per margin, and to state that I concur in the opinion of Mr. B. G. Krishnaiengar that we cannot go behind the Inam Commissioner's decision. Toddy or any other word including the item of toddy is not mentioned in the Sannads of the village. Against the Inam Settlement the jodidar appealed to the Chief Commissioner, who, in his Proceedings No. 12917—Rev. 363, dated 20th March 1877, decided that the jodidar's case falls under para 3 of the Chief Commissioner's Proceedings No. 3697—Rev. 30, dated 8th October 1873. This fact has been noted in the original Inam Settlement Register of the village. As the village has been granted to a community, the jodidars have the right to enjoy Abkari revenue fully for twenty years and half for ten years more, in accordance with Mr. B. K. Venkatavaradaiyengar's finding, as laid down in para 3 of the Chief Commissioner's Proceedings No. 3697—Rev. 30, dated 8th October 1873. Calculating from this date, the first period of twenty years expired on 8th October 1893, up to which date the whole of the Excise revenue from toddy is payable to the jodidars, and a half of it up to 8th October 1903, subject to Rules 2, 3, 5, 6 and 9 in Government Proceedings No. 2074-83—R. F. 166-92, dated 2nd August 1901, there being both a toddy shop and a date grove in the village.

1. Docket No. 4950—128, dated 23rd February 1903, to the Deputy Commissioner, Tumkur District.
2. Docket No. M. 1267, dated 31st March 1903, from ditto.
3. Docket No. 6264—150, dated 18th April 1903, to ditto.
4. Docket No. 203, dated 18th August 1903, from ditto.
5. Copies of correspondence received from the Superintendent of Inam Settlement.

2. I would, however, submit the following facts for the consideration of Government under Rule 20:—

(1) There is an order on the file, dated 12th of moon's decrease of Vysakha of the year Krodhana, from Amildar (Subedar) Timmarasiah to the Shendi Manegars, prohibiting them from interfering with the toddy revenue on the ground that it belongs to the Sivangere village.

(2) There is an account of the Sivangere village for the year Parthiva, showing the revenue of the village. In this 9 Pagodas and 11 Fanams are shown as revenue from Shendi Khane.

(3) Order dated 12th of moon's decrease of Palguna of the year Siddharti from Subedar Boregauda to Eadigar Narasimma, directing him not to interfere with the date trees (Eachal Pyroo) of Sivangere.

(4) The documents produced by jodidars, prove their enjoyment of toddy revenue for more than fifty years.

Form the Excise Commissioner in Mysore, to the Deputy Commissioner, Tumkur District, letter No. 4950—128, dated 23—24th February 1903.

ENCLOSURE 5 FILES.

In returning herewith the record of enquiry relating to the toddy revenue of jodi Sivangere village, Maddagiri Taluk, for further information and re-submission, has the honor to state that the accompanying copy of correspondence received from the Superintendent of Inam Settlement, shows that the order passed by the late Chief Commissioner in Proceedings No. 12917—Rev. 363, dated 20th March 1877, was final and the same is noted in the Inam Settlement Register. Mr. Paramasiva Iyer in his finding states that "Government directed the production of the original Beriz Patti and the original of the order of May 1805, issued by the Amildar of Maddagiri to the Abkari contractor; these were produced and prove beyond doubt that the Inamdars were granted the toddy revenue, though not in explicit terms embodied in the Sannad." No other final orders except those cited above, have been received in the Inam Superintendent's office from Government. Therefore requests to be informed on what authority the above remarks of Mr. Paramasiva Iyer are based, and what fina

orders, if any, have been received in the Deputy Commissioner's office from Government. Begs also to be furnished with the assets of the original beriz of the village for the year in which it was converted from sarvamanya into jodi by Dewan Purnaiya.

From M. S. Narayana Rao, Esq., Deputy Commissioner, Tumkur District, to Excise Commissioner in Mysore, General No. 1267, dated 31st March 1903.

ENCLOSURE 1 BUNDLE.

With reference to his docket No. 4950—128, dated 24th February 1903, calling for further information regarding the toddy revenue of the jodi Sivangere village, Maddagiri Taluk, has the honor to state that no final orders have yet been received from the Government on the matter in reply to this office letter No. 469, dated 29th November 1894. No explanation can be given as to the authority on which Mr. Paramasiva Iyer based his remarks, as he is not now in the district. The assets of the original beriz of the village called for in the above are embodied in the records transmitted herewith.

From the Excise Commissioner in Mysore, to the Deputy Commissioner, Tumkur District, No. 6264—150, dated 18—20th April 1903.

ENCLOSURE 4 FILES.

The Deputy Commissioner's docket No. 1267—M., dated 31st March 1903.

In reply, has the honor to state that in the records referred to in the above, the assets of the beriz of Sivangere jodi village for the year Parthiva are given in the account for that year which is on the file. But as the village was given on jodi tenure in the year Siddharti (1799-1800) under Dewan Purnaiya's Sannad, it is requested that the assests of 80 Pagodas being the beriz on which the jodi was fixed in the year 1799-1800, or for the year 1815 in which Fouzdar Linganniah ordered the Amildar to continue the village to Chennbhat and others and to collect from them the jodi amount, *viz.*, 80 Pagodas, may be reported, or the beriz accounts of the village for the years 1799-1800 and 1815-16 may be submitted early to this office for reference.

2. The jodidars, as per their statement taken by Mr. B. K. Venkatavaradaiyengar, seem to have produced the account of the year 1800 (Siddharti), but it is not on the file. The account for the year Parthiva is on the file. The village was then in the Midigesi Taluk.

3. The whole file is herewith returned for reference and re-submission.

From K. Doraswami Iyer, Esq., Deputy Commissioner, Tumkur District, to the Excise Commissioner in Mysore, No. 203, dated 18th August 1903.

ENCLOSURE 4 FILES.

In re-transmitting herewith the enclosures received with his docket No. 6264—150, dated 18th April 1903, has the honor to state that the beriz accounts referred to by Mr. T. Paramasiva Iyer, belong to the year Parthiva, and not to the year Siddharti as has been noted in the record of enquiry. The jodidar admits this fact in his statement made before the 2nd General Assistant Commissioner on the 8th June 1903, which is herein enclosed. The only document that is forthcoming from the jodidar is a reply given by the Subedar Boregauda to Idigar Narasimha on Phalguna 12 of Siddharti. The Amildar of Maddagiri also replies that neither documents nor beriz accounts relating to the jodi village are to be had in his office.

(2) Letter No. 1336—33, dated the 16th August 1904, from the same officer, suggesting that the decision of the Inam Department may be adhered to.

NC. FL. 1518-9—R. F. 141-92, DATED BANGALORE, THE 10TH SEPTEMBER 1904.

ORDER THEREON.—The village referred to above has a toddy shop as well as a date grove. The Excise revenue from toddy has not been alienated to the holder of the village either in the Sannad or in the Inam title-deed. There is, however, ample

evidence to show that the Inamdar was in enjoyment of the Excise revenue from toddy for fifty years previous to 1892-93. The case therefore falls under Rule 20 of the rules issued in Proceedings No. 2074-83—R. F. 166-92, dated the 2nd August 1901.

2. As the case also fell under the second clause of para 3 of the late Chief Commissioner's Proceedings No. 3697—R. 30, dated the 8th October 1873, it was decided in the late Chief Commissioner's Proceedings No. 12917—R. 363, dated the 20th March 1877, on the appeal of the Inamdar against the Inam Settlement, that he was entitled to the full amount of the Excise revenue for 20 years and to a moiety thereof for 10 more years. This decision has been noted in the Inam Settlement Register and the Government resolve to accept this decision as the one to be passed under Rule 20 of the Proceedings referred to above.

3. According to the practice in vogue from 1873 to 1892-93, the Inamdar must have received his Excise revenue from the Government contractor up to 1892-93, and he can look to the Government for the payment of that revenue only subsequent to 1892-93. These payments will be regulated by Rules 2, 3, 5, 6, and 9 of the Proceedings dated the 2nd August 1901, and the Excise Commissioner is requested to submit a refund bill, in duplicate, for the amount due to the Inamdar, it being remembered that the Inamdar is entitled, for 10 years subsequent to October 1893, to only a half of the amounts specified in the rules.

B. K. VENKATAVARADAIYENGAR,
Secy. to Govt., Gen. & Rev. Dept.

To—The Excise Commissioner in Mysore, with the records.
The Comptroller in Mysore.

Exd.—G.S.

1904-05

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

FINANCIAL

PROCEEDINGS

Dated 10th September 1904

No. Fl. 1518-9
R. F. 141-92

Holding that the Inamdar of Sivangere village, Maddagiri Taluk, is entitled to half the amount of toddy revenue of the village for 10 years subsequent to 1893.

SBP—26-9-04—200